Remarks

Applicants have carefully reviewed this Application in light of the Office Action mailed July 8, 2005. Applicants appreciate that the Examiner has withdrawn the objection to the specification, the objection to Claim 4, and the double patenting rejection of Claim 8. Applicants believe all pending claims, as originally submitted, are allowable over the references cited by the Examiner. Accordingly, Applicants respectfully request reconsideration and favorable action in this case.

Claim Rejections — 35 U.S.C. § 103

The Examiner rejected Claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,574,313 issued to Chea, Jr. et al. ("*Chea*") in view of U.S. Patent No. 5,883,941 issued to Akers ("*Akers*").

Independent Claim 1 and Dependent Claims 2-7

Independent Claim 1 recites:

> A system for providing lifeline telecommunication service, comprising:
>
> a gateway operable to receive telecommunication information from a telecommunication switch, to generate data packets for communicating the telecommunication information in a first mode of operation and in a second mode of operation, and to communicate the telecommunication information not encapsulated in data packets in a third mode of operation;
>
> an analog signal service module remotely coupled to the gateway and operable to receive the data packets from the gateway in the first mode of operation, to receive the telecommunication information not encapsulated in data packets in the third mode of operation, and to generate a first analog telephone signal for communicating the telecommunication information over a local loop circuit; and
>
> an integrated access device coupled to the local loop circuit and operable to receive the first analog telephone signal from the analog signal service module and to communicate the first analog telephone signal to a subscriber line in the first and third modes of operation, the integrated access device further operable to receive the data packets from the gateway, to process the data packets to generate a second analog telephone signal communicating the telecommunication information, and

to communicate the second analog telephone signal to the subscriber line in the second mode of operation.

Applicants appreciate that the Examiner has accepted Applicants' argument that *Chea* does not disclose, teach, or suggest "a gateway operable . . . to communicate the telecommunication information not encapsulated in data packets in a third mode of operation" or "an analog signal service module remotely coupled to the gateway and operable . . . to receive the telecommunication information not encapsulated in data packets in the third mode of operation, and to generate a first analog telephone signal for communicating the telecommunication information over a local loop circuit," as recited in Claim 1. As Applicants explained in the previous response, gateway 4 and IAC-C 104 in *Chea* communicate using data packets. *Chea* does not disclose another form of communication between gateway 4 and IAC-C 104. For at least this reason, *Chea* does not disclose, teach, or suggest the system of Claim 1.

To maintain the rejection of Claim 1, the Examiner relies on a new reference, *Akers*. However, the Examiner's proposed motivation to combine *Chea* and *Akers* is improper. According to the Examiner, a person having ordinary skill in the art would have been motivated to modify *Chea* based on the teaching of *Akers* "to obtain the advantages/benefits taught by Akers sing Akers states at col. 3, line 1-45 that such modification would provide line powering to remote terminal to avoid dependence upon local power and to provide for a metallic POTS access in the vent of power outage." (Office Action at p. 5). However, *Chea* purports to provide an active telephone line during a power outage. (*Chea* at Abstract; col. 4, ll. 10-34; col. 5, ll. 16-25). Thus, a person having ordinary skill in the art would not have had to modify *Chea* to provide line powering to the remote terminal as argued by the Examiner. For at least this reason, there is no motivation to combine *Chea* and *Akers*.

Furthermore, even assuming *Chea* and *Akers* could be properly combined, the Examiner's proposed combination still does not disclose, teach, or suggest the system of Claim 1. *Akers* does not disclose, teach, or suggest "a gateway operable to receive telecommunication information from a telecommunication switch, to generate data packets for communicating the telecommunication information in a first mode of operation and in a second mode of operation, and to communicate the telecommunication information not encapsulated in data packets in a third mode of operation," as recited in Claim 1. To meet this limitation, the Examiner proposes to combine the high speed digital card 4 and POTS

line card 10. This proposed combination, however, is improper because the Examiner does not identify any motivation to combine the two cards, which are expressly described and identified as separate cards/devices in *Akers*.

Moreover, even assuming the two cards could be combined in a single device as suggested by the Examiner but not taught in *Akers*, *Akers* does not describe either high speed digital card 4 or POTS line card 10 as being able "to generate data packets for communicating the telecommunication information." While *Akers* shows a digital signal communicated between high speed digital card 4 and HPCS card 6, *Akers* does not specify the use of data packets and does not describe high speed digital card 4 as being able to generate data packet.

Furthermore, even assuming high speed digital card 4 could generate data packets, the Examiner's improper combination of the high speed digital card 4 or POTS line card 10 still does not disclose, suggest, or teach the gateway of claim 1. The gateway of claim 1 communicates the same telecommunication information in different ways (either using data packets or not encapsulated in data packets) according to the mode of operation. In contrast, the Examiner's proposed combination of high speed digital card 4 and POTS line card 10 in *Akers* communicates different information in different ways. High speed digital card 4 may communicate information from PSTN, Internet or Frame Relay using a digital signal, and POTS line card 10 communicates different information from PSTN using a VF signal. Thus, *Akers* does not disclose, teach, or suggest a gateway that communicates the same telecommunication information in different ways (either using data packets or not encapsulated in data packets) according to the mode of operation.

In addition, *Akers* does not disclose, teach, or suggest "an analog signal service module remotely coupled to the gateway and operable to receive the data packets from the gateway in the first mode of operation, to receive the telecommunication information not encapsulated in data packets in the third mode of operation, and to generate a first analog telephone signal for communicating the telecommunication information over a local loop circuit," as recited in claim 1. The Examiner identifies HPCS card 6 as the analog signal service module. However, *Akers* does not describe the HPCS card 6 as being "operable to receive the data packets from the gateway in the first mode of operation," as recited in Claim 1. As stated above, while *Akers* shows a digital signal communicated between high speed digital card 4 and HPCS card 6, *Akers* does not specify the use of data packets.

Furthermore, *Akers* does not describe HPCS card 6 as being operable "to generate a first analog telephone signal for communicating the telecommunication information over a local loop circuit," as recited in Claim 1. HPCS card 6 communicates a multiplexed, digital signal—not an analog signal—over the twisted pair 2. (Col. 4, ll. 1-4, 38-39). While the bypass relay 46 ensures the subscriber's POTS access in the event of a electronic failure or local power outage, the bypass relay 46 does not "generate" an analog telephone signal. (Col. 4, ll. 65-67). The bypass relay 46 merely passes the VF signal generated by POTS line card 10 to the twisted pair 2.

For at least these reasons, Applicants respectfully request reconsideration and allowance of independent Claims 1, as well as Claims 2-7 which depend from Claim 1

Independent Claim 8 and Dependent Claims 9-13

Independent Claim 8, as amended, recites:

> A system for providing lifeline telecommunication service to customer premises equipment, comprising:
>
> a telecommunication interface operable to receive telecommunication information from a telecommunication switch;
>
> a data packet service module coupled to the telecommunication interface and operable to receive the telecommunication information from the telecommunication interface and to generate data packets for communicating the telecommunication information, the data packet service module further operable to communicate the data packets to an analog signal service module in a first mode of operation and to communicate the data packets over a local loop circuit to customer premises equipment in a second mode of operation; and
>
> an interface coupled to the telecommunication interface and operable to receive the telecommunication information from the telecommunication interface and to communicate the telecommunication information not encapsulated in data packets in a third mode of operation.

Applicants appreciate that the Examiner has accepted Applicants' argument that *Chea* does not disclose, teach, or suggest an interface operable "to communicate the telecommunication information not encapsulated in data packets in a third mode of operation," as recited in Claim 8. As described in Applicants' previous response, gateway 4

and IAC-C 104 in *Chea* communicate using data packets. *Chea* does not disclose another form of communication between gateway 4 and IAC-C 104. For at least this reason, *Chea* does not disclose, teach, or suggest the system of Claim 8.

To maintain the rejection of Claim 8, the Examiner relies on a new reference, *Akers*. However, as explained above with reference to Claim 1, the Examiner's proposed motivation to combine *Chea* and *Akers* is improper. According to the Examiner, a person having ordinary skill in the art would have been motivated to modify *Chea* based on the teaching of *Akers* "to obtain the advantages/benefits taught by Akers sing Akers states at col. 3, line 1-45 that such modification would provide line powering to remote terminal to avoid dependence upon local power and to provide for a metallic POTS access in the vent of power outage." (Office Action at p. 10). However, *Chea* purports to provide an active telephone line during a power outage. (*Chea* at Abstract; col. 4, ll. 10-34; col. 5, ll. 16-25). Thus, a person having ordinary skill in the art would not have had to modify *Chea* to provide line powering to the remote terminal as argued by the Examiner. For at least this reason, there is no motivation to combine *Chea* and *Akers*.

Furthermore, even assuming *Chea* and *Akers* could be properly combined, the Examiner's proposed combination still does not disclose, teach, or suggest the system of Claim 8. In the system of Claim 8, telecommunication information is received by a telecommunication interface and the telecommunication information is communicated using data packets by the data packet service module or is communicated not encapsulated in data packets by the interface. *Akers* does not disclose a system that communicates the same telecommunication information in different ways (i.e., either using data packets or not encapsulated in data packets). In contrast, the system in *Akers* communicates different information in different ways. High speed digital card 4 may communicate information from PSTN, Internet or Frame Relay using a digital signal, and POTS line card 10 communicates different information from PSTN using a VF signal. Thus, *Akers* does not disclose, teach, or suggest a system that communicates the same telecommunication information in different ways (either using data packets or not encapsulated in data packets) as recited in Claim 8.

For at least these reasons, Applicants respectfully request reconsideration and allowance of independent Claims 8, as well as Claims 9-13 which depend from Claim 8.

Independent Claim 14 and Dependent Claims 15-20

Independent Claim 8, as amended, recites:

> A method of providing lifeline telecommunication service to customer premises equipment using a gateway, comprising:
>
> receiving telecommunication information from a telecommunication switch;
>
> generating data packets for communicating the telecommunication information in a first mode of operation and a second mode of operation;
>
> communicating the data packets to an analog signal service module in ~~a~~ the first mode of operation;
>
> communicating the data packets over a local loop circuit to customer premises equipment in ~~a~~ the second mode of operation; and
>
> communicating the telecommunication information not encapsulated in data packets to the analog signal service module in a third mode of operation.

Applicants appreciate that the Examiner has accepted Applicants' argument that *Chea* does not disclose, teach, or suggest "communicating the telecommunication information not encapsulated in data packets to the analog signal service module in a third mode of operation," as recited in Claim 14. As Applicants described in the previous response, gateway 4 and IAC-C 104 in *Chea* communicate using data packets. *Chea* does not disclose another form of communication between gateway 4 and IAC-C 104. For at least this reason, *Chea* does not disclose, teach, or suggest the method of Claim 14.

To maintain the rejection of Claim 14, the Examiner relies on a new reference, *Akers*. However, as explained above with reference to Claim 1, the Examiner's proposed motivation to combine *Chea* and *Akers* is improper. According to the Examiner, a person having ordinary skill in the art would have been motivated to modify *Chea* based on the teaching of *Akers* "to obtain the advantages/benefits taught by Akers sing Akers states at col. 3, line 1-45 that such modification would provide line powering to remote terminal to avoid dependence upon local power and to provide for a metallic POTS access in the vent of power outage." (Office Action at p. 13). However, *Chea* purports to provide an active telephone line during a power outage. (*Chea* at Abstract; col. 4, ll. 10-34; col. 5, ll. 16-25). Thus, a person having ordinary skill in the art would not have had to modify *Chea* to provide line powering to the

remote terminal as argued by the Examiner. For at least this reason, there is no motivation to combine *Chea* and *Akers*.

Furthermore, even assuming *Chea* and *Akers* could be properly combined, the Examiner's proposed combination still does not disclose, teach, or suggest the method of Claim 14. In the method of Claim 14, telecommunication information is communicated using data packets or is communicated not encapsulated in data packets. *Akers* does not disclose a method that communicates the same telecommunication information in different ways (i.e., either using data packets or not encapsulated in data packets). In contrast, the system in *Akers* communicates different information in different ways. High speed digital card 4 may communicate information from PSTN, Internet or Frame Relay using a digital signal, and POTS line card 10 communicates different information from PSTN using a VF signal. Thus, *Akers* does not disclose, teach, or suggest a system that communicates the same telecommunication information in different ways (either using data packets or not encapsulated in data packets) as recited in Claim 8.

For at least these reasons, Applicants respectfully request reconsideration and allowance of independent Claims 14, as well as Claims 15-20 which depend from Claim 14.

CONCLUSION

Applicants have made an earnest attempt to place this Application in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Jeffery D. Baxter, Attorney for Applicants, at the Examiner's convenience at (214) 953-6791.

Applicants believe that no fees are due, however, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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